

Chapter 360, SUBDIVISION OF LAND

[Adopted by the City Council of the City of Binghamton (Ch. 21 of the 1970 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 200.
Electrical standards -- See Ch. 225.
Erosion control -- See Ch. 227.
Flood damage prevention -- See Ch. 240.
Sewer use -- See Ch. 342.
Zoning -- See Ch. 410.

ARTICLE I, Purpose and Authority

§ 360-1. Purpose.

The purpose of these subdivision regulations is to provide for the harmonious development of the City by:

- A. Providing for harmonious residential development consistent with rational City planning principles.
- B. Facilitating expedient review of all subdivision plans by providing uniform standards and procedures.

§ 360-2. Authority.

The City of Binghamton Planning Commission is vested by law with the jurisdiction and control of the subdivision of land located within the City limits (General City Law §§ 32, 33).

ARTICLE II, Definitions

§ 360-3. Applicability.

For the purpose of this chapter, meanings of the following words and phrases shall be defined in this Article II.

§ 360-4. Interpretation.

Words used in present tense shall include the future tense. The singular number shall include the plural number and the plural number the singular number. The word "building" shall include the word "structure." The word "shall" is mandatory; the word "may" is permissive.

§ 360-5. Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

ALLEY -- A minor right-of-way, privately or publicly owned, primarily for service access to the back or sides of properties.

BLOCK -- The land adjoining one side of a street between two consecutive junctions of said street with streets, railway rights-of-way, or waterways crossing or meeting said side of street.

BULK REGULATIONS -- Zoning requirements related to such things as lot area and size, yard dimensions, height, percentage of lot covered and regulations other than land use. Such requirements are generally set forth in Schedules IA (§ 410-28) and IIA (§ 410-33) of Chapter 410, Zoning.

CLUSTER DEVELOPMENT -- The subdivision of an area into lots which are smaller than would customarily be permitted by Chapter 410, Zoning, the density of development is no greater than would be permitted in the district by conventional development, and the residual land produced by the smaller lot size is used for common recreation and open space.

COMMISSION -- The City of Binghamton Planning Commission.

CONDITIONAL APPROVAL OF A FINAL PLAT -- The approval by the Planning Commission of a final plat subject to conditions set forth by the Planning Commission in a resolution conditionally approving such plat. Such conditional approval does not qualify for the issuance of building permits until all such conditions

have been met and verified by the Building and Construction Bureau, nor does the plat qualify for filing with the County Clerk until all conditions are satisfied and determined acceptable to the City.

EASEMENT -- Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.

FILLING AND GRADING ORDINANCE -- See Chapter 227, Erosion Control, Part 1, of the Code of the City of Binghamton.

FINAL PLAT -- A drawing or drawings of a subdivision, prepared by a licensed professional engineer or land surveyor, containing all information and detail required by § 360-10, to be presented to the Planning Commission for final approval.

GRADE, ESTABLISHED STREET -- The permanently established elevation of the center line of a street in front of the midpoint of a lot.

GRADE, FINISHED -- The finished grade at any point along the wall of a building shall be the elevation of the completed surfaces of lawns, walks, and roads adjoining the wall at that point.

IMPROVEMENTS, PERMANENT -- Any installation, structure, implement, device or part thereof, such as but not limited to sanitary sewer pipes, curbs and gutters, storm sewer pipes, manholes, catch basins, lateral sewers, bridges, water pipes, valves, pumps, open or enclosed culverts or any other facility which is or will be located on or in public property or could become the responsibility of the municipality.

LEAD AGENCY -- The agency which has responsibility to coordinate the environmental review of a proposed action in accordance with the New York State Environmental Quality Review Act.

LOT -- A parcel of land, with or without buildings or structures, delineated by lot lines and having access to a street as defined by this chapter.

LOT OF RECORD -- A lot which has been recorded in the Office of the County Clerk of Broome County.

PERFORMANCE BOND -- A bond issued by a bonding or surety company or a bond duly issued by the developer-obligor accompanied by security in the form of cash, certified check or other security. A performance bond must be approved by and have security acceptable to the Corporation Counsel of the City of Binghamton.

PLANNED DEVELOPMENT -- A parcel of land in a single ownership, or controlled by a partnership, corporation or cooperative group, which is planned and developed as a unit, with all required streets, parking, loading areas, accessory buildings, open space and other site amenities. A planned development shall involve a detailed review and approval in accordance with performance standards and procedures as set forth in [cmz] Section 505 of the Zoning Ordinance.

PLANNING DIVISION -- A division within the City of Binghamton which is staff to the Planning Commission.

PRELIMINARY PLAT -- A drawing or drawings of a proposed subdivision, prepared by a licensed professional engineer or land surveyor, containing all information and detail required by § 360-9 of this chapter and submitted to the Planning Commission for purposes of review and a public hearing prior to submission of the final plat.

PRELIMINARY PLAT APPROVAL -- The approval by the Planning Commission of the layout of a proposed subdivision as set forth in § 360-9, but subject to approval of the plat in final form in accordance with the provisions of § 360-10.

PUBLIC UTILITY -- Any office, equipment, structure, collection and distribution line or pipe, station, exchange, or other facility necessary for providing a service by a franchised private enterprise or a government.

SERVICE DRIVES -- Minor private ways which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

SKETCH PLAN -- A sketch of a proposed subdivision, as detailed in § 360-8, indicating salient existing features of a parcel and its surroundings and the general layout of a proposed subdivision, to enable the subdivider, the City and the Planning Commission to reach general agreement as to the form and layout of the subdivision before the detailed preliminary plat is submitted.

STREET -- An existing federal, state, county, or City highway, road or street, or a way shown upon a subdivision plat approved by the City Planning Commission, or on a plat duly filed and recorded in the

Office of the County Clerk prior to the appointment of the City Planning Commission and the grant to such Commission of the power to approve subdivision plats.

STREET CENTER LINE -- A line midway between and parallel to two street property lines.

STREET PAVEMENT -- The paved surface of the roadway between curbs which is used for vehicular traffic.

STREET WIDTH -- The width of the right-of-way, measured at right angles to the center line of the street.

STREET, COLLECTOR -- A street which carries traffic from minor streets to a major system of arterial highways.

STREET, CUL-DE-SAC -- A street with only one vehicular traffic outlet.

STREET, MAJOR -- A street used primarily for fast or heavy traffic, usually with complete or partial control over access from abutting properties.

STREET, MARGINAL ACCESS -- A minor street parallel to and adjacent to a major street, which provides access to abutting properties.

STREET, MINOR -- A street used primarily for access to the abutting properties.

SUBDIVIDER -- Any person, firm, corporation, partnership or association, or his or her or their authorized agent, who shall propose to apportion, for the purpose of sale or development, any subdivision or part thereof as defined herein.

SUBDIVISION -- The division of any parcel of land into four or more lots, plots, sites, or other divisions of land for immediate or future sale or for building development with or without streets or highways, and including resubdivision. After the effective date of these regulations, the division of any part, parcel, or area of land into four or more lots shall be considered a subdivision irrespective of the length of time which may elapse prior to the time the fourth lot or area is created.

TRACT -- Any body of land, including contiguous parcels of land under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.

ARTICLE III, Submission Requirements

§ 360-6. Approval required.

Whenever any subdivision or resubdivision of land is proposed to be made, before any contract for sale of any part thereof, and before any permit for erection of a structure in such proposed subdivision shall be granted, the owner shall make application to the Planning Commission for and secure approval of the proposed subdivision in accordance with the provisions of the following.

§ 360-7. Preapplication meeting.

Before commencing work on the subdivision application, a developer shall make an appointment with the Planning Division to discuss the proposed subdivision, zoning requirements, expected timetables for approval, etc.

§ 360-8. Sketch plan.

A. Submission requirements. A subdivider shall submit to the Planning Division at least 20 calendar days prior to the regular meeting of the Planning Commission 15 copies of a sketch plan of the proposed subdivision and development data for the purpose of preliminary discussion.

B. Contents of the sketch plan. The sketch plan shall contain the following:

- (1) The subdivision name or title, the scale, North arrow, and date.
- (2) The name and address of the owner, subdivider, and subdivider's agent, if any.
- (3) The subdivision boundaries and approximate boundaries of all contiguous properties.
- (4) The location of that part which is to be subdivided, in relation to the entire tract, and the distance to the nearest existing street intersection.
- (5) All utilities available and all streets which are either proposed, mapped, or built.
- (6) The proposed pattern of lots (including lot width and depth), and the proposed street layout.

(7) The location and dimensions of land to be reserved for parks, playgrounds, or recreational purposes as required by § 360-23.

C. Development data. Other supporting development data shall include the following:

- (1) A description of the land characteristics of the site; i.e., description of environmental features, topography, etc.
- (2) The availability and adequacy of existing and proposed utilities.
- (3) The total acreage of the subdivision.
- (4) The proposed building types, approximate size, and cost.
- (5) A brief narrative discussing the subdivision and its development schedule.

D. Review by the City. Once the Planning Division has received a sketch plan, the Division will coordinate a review with the departments of Engineering, Water and Sewer, Building and Construction, Corporation Counsel, and other departments or agencies as necessary, to review the sketch plan. Comments will be forwarded in writing to the developer or the developer's agent. The Planning Division will place the proposed subdivision sketch plan on the next regularly scheduled meeting of the Planning Commission.

E. Review by the Planning Commission. The subdivider or his or her agent shall attend a Planning Commission meeting to discuss the requirements of this chapter. The Planning Commission shall study the sketch plan to determine whether or not it conforms to or would be in conflict with Chapter 410, Zoning, the Master Plan, the developments proposed by any public agency, the existing adjacent private and public development, facilities and services, and the purposes of these regulations, including reservations of land, street improvements, drainage, sewerage, water supply, fire protection and availability of services, and any special problems that may be encountered.

F. Modification of requirements. When the Planning Commission determines that special conditions or circumstances exist which make the site development conditions and requirements set forth in Chapter 410, Zoning, inappropriate, the Commission, in acting on any subdivision application, may modify such conditions or requirements if the best interest of the City would be served and the spirit of Chapter 410, Zoning, can be maintained. Any modification by the Planning Commission shall not, however, be such as to permit a land use which would not otherwise be allowed in the district, nor shall the Commission modify the density, maximum percentage of lot coverage, or off-street parking requirements for any use or district.

G. Referrals to the Zoning Board of Appeals. Notwithstanding the provisions of Subsection F, if the proposed subdivision does not meet the minimum standards and requirements of Chapter 410, Zoning, the subdivider must make application to the Zoning Board of Appeals in accordance with the provisions of [cmz] Article XIV of Chapter 410, Zoning. The proposed subdivision must be in compliance with all requirements of Chapter 410 before preliminary plat submission.

H. Planning Commission recommendation. The Planning Commission shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations to be incorporated by the subdivider in the next submission to the Planning Commission.

I. The submission of a sketch plan does not constitute formal filing of the preliminary plat.

§ 360-9. Preliminary plat.

A. Submission requirements. When a preliminary plat is required by this chapter, the owner shall submit to the Planning Division, at least 30 calendar days prior to the regular meeting of the Planning Commission:

- (1) Fifteen copies of the preliminary plat of the proposed subdivision.
- (2) The completed subdivision application.
- (3) The completed SEQOR full or long form.
- (4) Any other supporting development data relevant to the subdivision or suggested by staff.

B. Contents of the preliminary plat. The following information shall be required on all maps and drawings:

- (1) The subdivision name or title, the scale, North arrow, and date.
- (2) The name and address of the owner, subdivider, and engineer or land surveyor, including license number and seal.
- (3) The scale shall be one inch to 100 feet. This may be waived if special conditions warrant the use of a different scale.
- (4) The subdivision's boundaries and location in the City.
- (5) The zoning districts within the proposed subdivision, and the zoning districts of all adjoining properties.
- (6) The zoning regulations affecting the proposed subdivision, including use, area, height, density, coverage, off-street parking, and other regulations.
- (7) The location of adjoining tracts, subdivisions, and property lines, existing and proposed streets, easements, buildings, watercourses, marshes, wooded areas, and public facilities.
- (8) All property held by the owner and/or subdivider adjoining the proposed subdivision.
- (9) The names of all adjoining property owners and the names of adjoining developments, if applicable.
- (10) Contours with intervals of not more than five feet; however, if the grade at any point is less than 5%, contours shall be at ten-foot intervals for that area. The datum plane for all topographic information shall be that of the United States Geological Survey. An approximate grading plan shall be submitted if existing contours are to be changed more than five feet.
- (11) The location and dimensions of existing and proposed property lines, lots, and blocks.
- (12) The exact location of the one-hundred-year floodplain, if applicable, surveyed by a licensed engineer or land surveyor.
- (13) All pertinent features, including existing or proposed structures, streets, railroads, water bodies, streams, swamps, large trees, rock outcroppings, parks, and playgrounds.
- (14) All green areas and other open space, and screen plantings and street trees, giving the size and type of trees to be used.
- (15) The location, width, and approximate grade and proposed names of all proposed streets. Elevations shall be shown at the beginning and end of each street, at street intersections, and at all points where there is a decided change in slope or direction.
- (16) The approximate location and dimensions of all property recommended by the developer to be dedicated for public use and the conditions of such dedications.
- (17) The location of existing and proposed sewers, water mains, storm drainage, and culverts, with pipe sizes and direction to flow, both on the property and adjacent to it.
- (18) The location of existing and proposed utilities on the property and adjacent to it, including gas lines, fire hydrants, electric and telephone facilities, and streetlights.
- (19) The proposed provision of water supply, fire protection, disposal of sanitary wastes, stormwater drainage, and sidewalks.
- (20) The location and dimensions of land to be reserved for parks, playgrounds, or recreational purposes, as required by § 360-23.

C. Development data. Other supporting development data shall include the following:

- (1) A description of the land characteristics of the site.
- (2) The availability of existing and proposed utilities, schools, parks, and playgrounds, if applicable.
- (3) The total acreage of the subdivision, and the number and size of the proposed lots.
- (4) The building types, approximate size, and cost.
- (5) Completion of the SEQR full or long form.
- (6) The location, size, and species of all existing and proposed vegetation as required by § 360-22.

(7) A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 227, Erosion Control, Part 2, Articles II and III, shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 227, Part 2, Article III, Stormwater Control. [Added 12-4-2006 by L.L. No. 2-2006]

D. Hearing and notices.

(1) The Planning Commission shall hold a public hearing on the preliminary plat within 45 days from the date a complete application is received by the Planning Division. Notice of such hearing shall be published in the Press and Sun Bulletin at least 10 days prior to the date thereof.

(2) Additionally, at least 10 days prior to the public hearing, notice thereof shall be sent by certified mail, return receipt requested, to the owners of record within a distance of 100 feet from the boundary of the subject property(ies).

(a) An affidavit of publication shall be submitted to the Planning Division at least five days prior to the public hearing. Such verification shall consist of a statement from the Press and Sun Bulletin and the return receipt forms (PS Form 3811) from the post office.

(b) The preparation and cost of publication and mailing of the required notice of public hearing shall be borne by the applicant.

E. Fees. For the purpose of defraying administrative and other costs involved in review, the subdivision application shall be accompanied by a fee as set from time to time, payable to the City of Binghamton, in addition to any and all other fees required by any other section of this or any other ordinance, local law, or regulation of the City or Broome County.

F. Review by the City. The Planning Division will review the plan to determine if it meets the submission requirements as set forth in these regulations. In reviewing an application for a proposed subdivision, it shall be the responsibility of the Planning Division to obtain relevant comments or approvals, in writing, from other City departments and affected agencies before a decision is made on such application. All such comments will be forwarded, in writing, to the applicant and to the Planning Commission.

G. Other referrals.

(1) Before final plat approval on any subdivision with proposed structures or proposed new streets having frontage on, access to, or otherwise directly related to any existing or proposed county right-of-way, such application shall be referred to the Broome County Department of Planning and Economic Development for review and report in accordance with the provisions of § 239-n of the General Municipal Law.

(2) Within 30 working days of receipt of such notification, the Broome County Department of Planning and Economic Development shall report to the City on its approval or disapproval, or on its approval subject to stated conditions, of the proposed subdivision plat, insofar as the proposed structures or new streets may be related to any existing or proposed right-of-way or site as shown on the county official map. If the county planning agency disapproves, or recommends modification of such a proposed subdivision plat, the Planning Commission shall not, in approving the final plat, act contrary to such disapproval or recommendation or modification except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

H. Planning Commission review and decision. At a scheduled public hearing, the Planning Commission shall review the preliminary plat and all other submissions. Within 45 days from the date of the closing of the public hearing, a decision to approve, with or without modifications, or disapprove the application for a subdivision shall be made by the Planning Commission. Such forty-five-day period may be extended by written mutual consent of the applicant and the Planning Commission. Any decision of the Planning Commission shall include a brief written report outlining the conditions upon which such decision was made and specifying what changes or additions, if any, will be required prior to review of the final plat.

I. Approval of the preliminary plat. Approval of the preliminary plat shall constitute approval of the proposed subdivision as to the character and intensity of development, and the arrangement and approximate dimensions of streets, lots, and other planned features. Approval of the preliminary plat does not constitute approval of the final plat and does not authorize the sale of building lots, the installation of streets or utilities, or other construction activities on such lots.

§ 360-10. Final plat.

A. Submission requirements.

- (1) After preliminary plat approval is obtained, the developer must file a proposed final plat within 90 days. If the developer does not file the proposed final plat within the 90 days, the approval of the preliminary plan shall become null and void unless an extension of time is requested by the subdivider in writing and approved by the Planning Commission before the expiration date.
- (2) The final plat may be submitted in phases, with each phase covering a portion of the entire subdivision shown on the approved preliminary plat.
- (3) An owner intending to submit a final plat for the approval of the Planning Commission shall provide the Planning Division at least 20 calendar days in advance of the regular monthly Planning Commission meeting:
 - (a) Fifteen paper copies of the final plat.
 - (b) Two mylar copies of the final plat.
 - (c) Two true copies of all offers of cession, covenants, deed restrictions, easements, and other agreements.
 - (d) Two true copies of the performance bond or irrevocable letter of credit when the proposed subdivision includes public improvements.
 - (e) Three prints of all detail construction drawings.
 - (f) Any other information as requested by the Planning Division or the Planning Commission.

B. Contents of the final plat. The following information will be required for submission of the final plat:

- (1) Drawn at a scale of not less than one inch equals 100 feet on sheets no larger than 24 inches by 32 inches.
- (2) Accurate engineering survey showing dimensions, bearings, and angles of all property lines.
- (3) Name and address of subdivider.
- (4) Name of engineer or surveyor.
- (5) Zoning classification of property to be subdivided.
- (6) Boundary reference points which tie into the existing system. All information required on the preliminary subdivision plat, updated and accurate, indicating actual layout, areas, and dimensions of the subdivision.
- (7) The street lines, pedestrian ways, lots, reservations, easements, and areas to be dedicated for public use.
- (8) Sufficient data acceptable to the enforcement officer to readily determine the location, bearing, and the length of every street line, lot line, and boundary line and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates and in any event should be tied to reference points previously established by a public authority.
- (9) The length and bearing of all straight lines, radii, length of curves, central angles of all curves, and tangent bearings shall be given for each street. All dimensions shall be shown in feet and decimals of a foot and shall be given together with all angles of the lines of each lot and lot area in square feet.
- (10) The location, dimensions, and names of all sites for residential, commercial, industrial, public, and nonpublic uses.

- (11) The boundaries and proposed uses of all property which is offered for dedication for public use.
- (12) The boundaries and proposed uses of all property that is proposed to be reserved by deed or covenant for the common use of property owners in the subdivision.
- (13) The location, material, and size of all monuments.

C. Detail construction drawings. The final plat shall be accompanied by three copies of separate construction drawings which shall be submitted to the Planning Division and include:

- (1) Plans and profiles shall show elevations along center lines of all streets within the subdivision and, where a proposed street intersects an existing street, the plan shall show the elevation along the center line of the existing street within 100 feet of the intersection.
- (2) Plans and profiles shall show the locations of street pavements, including curbs, gutters, and sidewalks.
- (3) Plans shall show the location, size, and invert elevations of existing and proposed sanitary sewers, including design calculations.
- (4) Plans shall show all existing and proposed water mains, including design calculations, size, and location of water lines and fire hydrants.
- (5) Plans shall show the existing and proposed storm drainage system, including design storm information, the drainage basin area, development extent, pipe flow information, manholes, and catch basins, and including preliminary design of any bridges or culverts which may be required.
- (6) Plans shall show the location and size of gas, electricity, telephone, streetlights, and other utilities or structures.

D. Other supporting data.

- (1) Updated data from the preliminary submission.
- (2) Time schedule of lot sales and development, if known.
- (3) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- (4) Completion of a revised SEQR full or long form, if such revisions were necessary.
- (5) A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 227, Erosion Control, Part 2, Articles II and III, and with the terms of the preliminary plan shall be required for final subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 227, Part 2, Article III, Stormwater Control. [Added 12-4-2006 by L.L. No. 2-2006]

E. Performance bond. Before any subdivision plat proposing public improvements can be approved by the Planning Commission, the owner shall file either a performance bond, a certified check, or an irrevocable letter of credit as follows:

- (1) The owner shall file with the Corporation Counsel a bond in the amount estimated by the City Engineer to secure the satisfactory construction and installation of the uncompleted parts of all required improvements. The bond shall guarantee the construction and installation of all streets and other required improvements in accordance with the standards and requirements set forth in these regulations.
- (2) The Planning Commission shall specify the time period within which the required improvements must be completed, and this period shall be expressed by the bond. In the event that any of the required improvements have not been completed under the terms of the bond, the City, upon recommendation of the City Engineer and the Corporation Counsel, shall declare the bond to be in default and shall collect the sum remaining payable thereunder.
- (3) The bond shall provide that an amount determined adequately by the City Engineer and the Corporation Counsel shall be retained for a period of one year after the date of completion of the required improvements, to assure their satisfactory condition.

F. Review by the City. The Planning Division will review the final plat submissions to determine whether all submission requirements have been met. The Corporation Counsel shall review all covenants, deeds, easements, bonds, and other agreements. All such agreements must be acceptable to the City before final approval. The City Engineer will review the detail construction plans for correctness and compliance to City standards.

G. Planning Commission review and decision. The Planning Commission will review the final plat submissions and assure that all prerequisites have been met. The Commission shall take action and report within 45 calendar days from the date of the submission of the final plat. The time of submission of the final plat shall be considered to be the date of the Planning Commission meeting at which such plan is considered. The forty-five-day period may be extended by written mutual consent of the applicant and the Planning Commission. Any decision of the Planning Commission shall include a brief written report outlining the conditions upon which such decision is made.

H. Approval of the final plat.

(1) The Planning Commission may, after due deliberation, grant final plat approval, with or without conditions. This approval, once all conditions have been met, all improvements completed, or a satisfactory performance bond in lieu thereof submitted, will allow the subdivider to apply for building permits to begin construction activities.

(2) Final plat approval does not permit the sale of building lots until the final plat is recorded in accordance with § 360-11.

§ 360-11. Recording of final plot plan.

Upon completion of the improvements or the submission of a performance bond in lieu thereof, in accordance with § 360-10E, the following steps shall be taken to file the final plat:

A. The City Engineer shall inspect the construction of all land and utility improvements and assure that they are in conformance with City standards and specifications.

B. The subdivider shall provide the Planning Commission with two mylar copies of the final plat and two paper copies of the final plat.

C. Within 10 working days of the receipt of the final plat by the Planning Division, the Chairman of the Planning Commission will sign the final plat and issue an environmental determination of no significance.

D. The subdivider shall be responsible for complying with the mandated review by the Broome County Health Department of the proposed subdivision and for obtaining the authorized signature of the Broome County Health Department on all copies of the final plat.

E. The subdivider shall file one signed mylar copy of the final plat with the Planning Division.

F. The subdivider shall file one signed mylar copy of the final plat with the Broome County Clerk.

G. In no case shall the final plat be recorded after 90 days from the date the final plat was signed by the Chairman of the Planning Commission. Should the subdivider fail to record the final plat within such ninety-day period, the approval of the Commission shall be null and void unless an extension of time is requested by the subdivider in writing and is granted by the Planning Commission before the expiration date.

H. The subdivider shall bear all fees in connection with the filing of the plat.

I. The final plat must be filed with the Broome County Clerk before the sale of any lots within such subdivision.

§ 360-12. Public acceptance of improvements.

Upon completion of the improvements, and prior to the City accepting any public improvements, the subdivider shall comply with the following:

- A. Drawings showing the location of all required improvements as built shall be certified by an engineer or land surveyor and filed with the Planning Division 30 days prior to acceptance of the improvements. As-built drawings shall include the location of water, sanitary sewers, storm sewers, natural gas, electric, telephone and cable lines together with the lateral or service lines of each. Until as-built plans are filed, no performance bond guaranteeing the completion of such improvements shall be released.
- B. Upon completion of the required improvements, and approval of this work by the City Engineer, the subdivider shall present Corporation Counsel with any deeds, abstracts, and easements for streets and other public improvements.
- C. Prior to any public acceptance of required improvements, the subdivider shall submit an affidavit stating that all bills and accounts for material and labor used in the construction of the improvements have been paid for in full.
- D. The subdivider shall make good, without cost to the City, any defects to any improvements constructed by him or her and any damage due to faulty workmanship on his or her part, or due to imperfect materials or equipment furnished by him or her for which defects or damage may appear within one year after the acceptance of such improvements by the City.

ARTICLE IV, Design and Construction of Streets, Lots, and Related Infrastructure and Services

§ 360-13. General standards.

- A. The following requirements and guiding principles for land division shall be observed by all subdividers:
 - (1) All land surveys, design, and construction drawings presented to the Planning Commission shall bear the name, seal, license number, and signature of a professional architect, engineer, surveyor, or landscape architect.
 - (2) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to the public health, safety, or welfare.
 - (3) Land subject to flooding and within the floodplain management area as delineated on the flood insurance rate map dated June 1, 1977, for the City of Binghamton.
 - (4) No subdivision showing reserve strips of land restricting the access to public ways will be approved, except where the control and disposal of land comprising such strips are placed within the jurisdiction of the City under an agreement meeting the approval of the Planning Commission and Corporation Counsel.
 - (5) Lot lines shall, where possible, follow municipal boundaries rather than cross them.
- B. Unique conditions. Where the Planning Commission finds that because of exceptional and unique conditions of topography, location, shape, size, drainage, or physical features of the site or because of the special nature and character of surrounding developments, the minimum standards specified herein would not reasonably protect or provide for the public health, safety, or welfare, special requirements may be imposed in addition to or in substitution for the minimum standards by the Planning Commission to protect the public.
- C. Conformance with Master Plan and zoning requirements. Subdivisions, including streets and parks, shall conform to and be in harmony with the current Master Plan and Chapter 410, Zoning, except as provided by § 360-8F of this chapter.

§ 360-14. Street and sidewalk layout.

A. General standards for street layout.

- (1) Width, location, and construction. Streets shall be suitably located on sufficient width and adequately constructed to accommodate the prospective traffic and to afford satisfactory access to the police, fire fighting, snow removal, and other maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjacent properties and shall be coordinated so as to create a safe traffic and pedestrian system.
- (2) Arrangement. The arrangement, width, grade, and location of all subdivision streets shall conform to the Master Plan and/or neighborhood plan approved by the Binghamton Urban Renewal Agency and/or Planning Commission and/or City Council, and shall be designed in consideration to the existing and planned streets, to topographic conditions, to public convenience and safety, and to the proposed use of the land to be served by such a street.
- (3) Minor streets. Local and minor streets shall be planned so that their uses by through traffic will be discouraged.
- (4) Relation to topography.
 - (a) Streets should be related to the topography of the property, with all streets arranged so as to provide access to as many possible building sites at or above the grades of streets.
 - (b) Grades of streets should conform as closely as possible to original topography. A combination of steep grades and sharp curves shall be avoided.
- (5) Intersections.
 - (a) A distance of at least 150 feet shall be maintained between all intersections, measured from center line to center line.
 - (b) Within 100 feet of any intersection, streets shall be approximately at right angles.
 - (c) All street intersection corners shall be rounded by curves of at least 15 feet in radius at the curbline.
 - (d) Within triangular areas formed by the intersection of two street lines and a third line joining them at points at a distance of 30 feet away from their intersection, visibility for traffic safety shall be maintained by keeping the triangular area free of plant materials exceeding three feet in height.
- (6) Cul-de-sacs.
 - (a) Where a street does not extend to the boundary of the subdivision and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by an easement having a distance not less than 10 feet so as to allow access to the street edge or utilities for maintenance purposes.
 - (b) Reserve strips of land shall not be left between the end of a proposed street and an adjacent piece of property. However, the Planning Commission may require the reservation of a twenty-foot-wide easement to accommodate pedestrian traffic or utilities to the next street.
 - (c) A circular turnaround shall be provided at the end of a permanent cul-de-sac street, with a radius of 50 feet.
 - (d) A circular turnaround shall be provided at the end of temporary cul-de-sac streets. Deed requirements for the temporary turnaround shall be in a form acceptable to the Corporation Counsel.
 - (e) All streets with divided pavements or center malls shall be prohibited.
- (7) Land abutting major streets or certain rights-of-way.
 - (a) Where the subdivision abuts or contains an existing or proposed major street, the Planning Commission may require marginal access streets.
 - (b) Where a subdivision abuts or fronts on a street, sidewalks shall be required in the subdivision unless this requirement is waived by the Planning Commission.
- (8) Provision for future resubdivision. Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Planning

Commission may require that the streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.

- (9) Continuation of streets into adjacent streets.
 - (a) The arrangement of streets shall provide for the continuation of existing streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and where such continuation is in accordance with the Master Plan.
 - (b) If the adjacent property is undeveloped and the street must be a temporary dead end street, the right-of-way and improvements shall be extended to the property line. A temporary circular turnaround of a minimum of 50 feet in radius shall be provided on all temporary dead end streets, with the notation on the plat that the land outside of the street right-of-way shall revert to abutting lots whenever the street is continued.
 - (c) The Planning Commission may limit temporary dead end streets to a length not more than double the permitted length of permanent cul-de-sac streets.
- (10) Street names. All streets shall be named, and such names shall be subject to the approval of the City Council. Names shall be sufficiently different in sound and in spelling from other street names so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name.

B. Design standards and specifications. Streets shall be designed in accordance with the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) Geometric Design of Highways and Streets. Streets shall be designed for a maximum vehicle speed of 30 miles per hour. The following chart provides minimum standards for streets and horizontal curve design; vertical curve design will be determined as site conditions dictate, and design variables shall conform with AASHTO standards. All design work will be subject to review and approval of the City Engineer.

<u>Standard</u>	<u>Collector Street</u>	<u>Minor and Marginal Access Street</u>	<u>Cul-de-sac (turn around radius 50 feet)</u>
-Minimum right-of-way width (feet)	60	50	50
-Minimum pavement (feet)	40	30	30
-Maximum grade	3% to 6%	8% to 10%	10%
-Minimum radius of curves, inner street line (feet)	302	302	302
-Maximum grades within 100 feet of center line intersections	2%	3%	3%
-Minimum braking sight distance (feet)	200	200	200
-Maximum length of cul-de-sac (feet)	--	--	400
-Minimum outside radius of cul-de-sac pavement to curb (feet)	--	--	40
-Angle at intersection of street center lines (degrees)	85 to 95	85 to 95	85 to 95
-Sidewalk width (feet)	5	5	5

C. Construction standards. The following specifications provide minimum standards for the construction of streets in subdivisions:

- (1) Approved streets shall be rough graded to the full width of the street in accordance with typical street sections as used by and kept on file by the City Engineer.
- (2) The base of all roadbeds shall be 30 feet in width and shall be run of bank gravel at least 12 inches in depth. The roadbed shall be deeper if deemed necessary by the City Engineer. The street base shall be constructed in accordance with the New York State Department of Transportation Specifications, Item 2EF-B, Select Granular Fill (a copy of these specifications are available through the City Engineer). The base shall be placed in maximum layers of six inches, compacting each layer before the next layer is applied. Before any gravel is used for construction, representative samples must be tested by an approved testing laboratory.
- (3) The street surface materials and depth shall be determined by the City Engineer as site conditions dictate.
- (4) Concrete curbs shall be required on all streets. Curbs shall be poured integral, with construction joints every 10 feet and expansion joints every 60 feet. Curb cuts shall be made at all intersections to allow for handicapped access. All curbs shall be constructed in accordance with City of Binghamton standard specifications.
- (5) Concrete sidewalks shall be required on all streets. The minimum width of sidewalks in residential areas shall be five feet. The area from the street right-of-way shall be graded down 1/4 of an inch per foot to the curbline. The minimum thickness of sidewalks shall be five inches. Concrete for sidewalks shall have a minimum of twenty-eight-day compressive strength, 4,500 pounds per square inch. Concrete shall be air entrained with a minimum air entrainment of 6% plus or minus 1%. Sidewalk construction must follow City of Binghamton specifications. All workmanship, construction, and materials shall be subject to the approval of the City Engineer.
- (6) The City Engineer may require the installation of an underdrain system if groundwater conditions under the pavement prohibit proper drainage. Such a system shall be installed at the developer's expense. The underdrain system shall consist of perforated pipe laid in trenches and encased in gravel as directed by the City Engineer. The underdrain system shall be connected into the storm sewer system at the catch basin or manhole. Use of other underdrain systems may be allowed at the discretion of the City Engineer.

§ 360-15. Blocks and lots.

A. General standards.

- (1) Blocks. The length, width, and shape of blocks shall be determined with due regard to the following:
 - (a) The provision of adequate building sites suitable to the special needs of the use contemplated.
 - (b) Chapter 410, Zoning, requirements as to lot size and dimensions.
 - (c) The need for convenient access, circulation, and safety of street traffic.
 - (d) The limitations and opportunities of topography.
 - (e) Irregular shaped blocks indented by cul-de-sacs, parking courts, loop streets, or open space will be acceptable when properly designed under the provisions of Chapter 410, Zoning, as determined by the Planning Commission. Such blocks shall include adequate off-street parking, facilities for pedestrian access from streets to all lots, proper easements for all utilities, and sufficient provisions for maintenance of park and open space.
- (2) Lots.
 - (a) Lot arrangement shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with Chapter 410, Zoning, and in providing access to buildings on such lots from an approved street.
 - (b) Lot size, depth, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use proposed.

- (c) Side lot lines shall be either at right angles to the street on which the lot faces or radial lines in the case of curvilinear streets.
- (d) Through lots shall be prohibited.
- (e) The subdivision plan shall provide each lot with satisfactory access to an existing public street or to a proposed street within the subdivision that will be deeded to public use at the time of final subdivision plan approval.

B. Design standards.

- (1) Blocks.
 - (a) Straight block lengths (grid pattern design) shall not exceed 1,000 feet.
 - (b) Irregularly shaped blocks will have no minimum length imposed, but designs will be subject to review by the City Engineer.
- (2) Lots.
 - (a) Lot dimensions shall comply with the bulk standards of Chapter 410, Zoning, unless the Planning Commission modifies such standards in accordance with § 360-8F.
 - (b) Where lots are double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots.

§ 360-16. Storm drainage systems.

A. General standards.

- (1) Storm drainage systems shall be designed by a licensed professional engineer using prudent methods and the most current information available.
- (2) Extensive consideration shall be given to retention and detention features in design, and whenever possible, the outfall of the system shall be in the same basin as the system.
- (3) Storm drainage systems shall be designed to handle any future development of the basin in which it is situated. A culvert or other drainage facility shall in each case be large enough to accumulate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The City Engineer shall review the design and size of the facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted by Chapter 410, Zoning.
- (4) The subdivider's engineer will study the effect of the subdivision on the existing downstream drainage facilities outside the area of the subdivision. This study will be reviewed by the City Engineer. Where it is anticipated that the additional runoff incidental to the development of the subdivision will overload the existing downstream drainage facility during a five-year storm, the Planning Commission shall not approve the subdivision until a provision has been made to upgrade the capacity of the downstream facility.

B. Design standards.

- (1) Storm sewer pipes.
 - (a) All pipes shall be sized in accordance with proven engineering practice to handle expected flows, both present and future.
 - (b) Pipe strength shall be sufficient enough to carry all expected loads and with minimum loads of H-20.

C. Construction standards.

- (1) Storm sewer pipe material. The following kinds of pipes and joints shall be used for storm sewer construction:
 - (a) Reinforced concrete, meeting ASTM Specification C-76. Joints shall be either rubber gasket or cement mortar.
 - (b) Polyvinyl chloride (PVC) pipe, schedule 35; push joints with rubber gaskets.

- (2) Storm sewer pipe installation.
 - (a) Storm sewer pipe shall be laid true to line and graded as shown in construction plans.
 - (b) Storm sewer pipes shall be firmly set in a minimum depth of four inches of No. 1 crushed stone (New York State Department of Transportation Specification). Depth of backfill around the pipes shall be determined by the City Engineer. A concrete cradle under the pipe and required backfill as specified by the City Engineer may be used as an alternate.
 - (c) Connections to the storm sewer such as drain lines from parking lots from adjacent properties shall be made at the manhole or catch basin.
- (3) Storm sewer manholes.
 - (a) Manholes, catch basins, and inlets shall be constructed in accordance with the standard detail drawings. Manholes shall be installed at the end of each line, at all changes in grade, size, or alignment, at all intersections, and at intervals not exceeding 300 feet. All connections to stormwater sewers from catch basins and inlets shall be made at the manhole. Catch basins and inlets shall be installed at all intersections and on no more than three-hundred-foot intervals.
 - (b) Storm sewer manholes shall be precast concrete with a minimum inside diameter of at least four feet. Flow channels shall be finished smooth and shaped to encourage smooth flow of water through the manhole. Manholes and frames may be heavy-duty cast iron Neenah Catalog No. R-1712-Type B lid (or approved equal), with a minimum weight for frame and lid shall be 540 pounds. All manholes shall be installed so that the top conforms to the adjacent finished road grade.
- (4) Inlets and catch basins. Storm inlets and catch basins shall be required at the intersection of each street or at intermediate points along long blocks or as directed by the City Engineer.
 - (a) Inlet frames and grates shall be of heavy-duty cast iron as manufactured by the Neenah Foundry Company Inc. Catalog Number R3250A or another manufacturer approved by the City Engineer.
 - (b) Catch basins shall be precast concrete or poured concrete (as specified by Item 204 A, Standard Catch Basin; filed with the City Engineer). They shall have a minimum diameter of four feet two inches, and they shall have a sediment chamber at least two feet below the invert of the pipe. Frames, grates, and curb boxes shall be Neenah Catalog No. R-3250-A (or approved equal). The minimum weight of frame and lid shall be 435 pounds.
- (5) Location of utilities. Storm sewer lines shall be placed on the lower side of the street at a distance of 10 feet from the center line. Connections shall extend to catch basins placed along curblines, or to inlets placed along ditch lines.

D. Review and approval. Storm sewer design is subject to review by the Bureau of Water and Sewers and the City Engineer prior to final plat approval. The Planning Division shall seek the opinion of these departments as part of its subdivision processing responsibilities.

§ 360-17. Sanitary sewer systems.

- A. General standards.
- (1) Sanitary sewer systems shall be designed by a licensed professional engineer using prudent methods and the most current information available.
 - (2) Sanitary sewers shall be designed for the estimated ultimate tributary population. Stormwaters, roof drainage, and ground waters shall be excluded from the sanitary sewers and house connections.
 - (3) Sanitary sewer systems shall be designed on the basis of an average daily per-capita flow of sewage of not less than 100 gallons per day. Lateral sewers shall be designed to carry a peak flow of 400 gallons per capita per day. Trunk sewers shall be designed to carry a peak flow of 250 gallons per capita per day.

(4) No sanitary sewer shall be less than eight inches in diameter. All sanitary sewers shall be designed and constructed to give mean velocities, when flowing full, of not more than two feet per second, based on Kutter's formula using an "n" value of 0.013.

B. Design standards for sanitary sewer pipes.

- (1) All pipes shall be sized in accordance with proven engineering practices capable of handling expected flows, both present and future.
- (2) All pipes shall be installed in accordance to ASTM standard specification C12 and the City of Binghamton specifications.
- (3) Pipe strength shall be sufficient to carry all expected loads and with minimum loads of H-20.

C. Construction standards.

- (1) Sanitary sewer pipes.
 - (a) Sanitary lines shall be laid to the line and grade indicated on approved construction drawings. Sanitary sewer pipe and fittings 24 inches in diameter or under shall be bell and spigot clay sewer pipe conforming to ASTM standard specification C200, or polyvinyl chloride (PVC) pipe, schedule 35, and push joints with rubber gaskets.
 - (b) All sewer lines shall be subject to the following tests in the presence of the City Engineer:
 - [1] A lamplight shall be clearly visible between manholes.
 - [2] A ball two inches smaller than the diameter of the pipe shall roll freely of its own accord between manholes (on grades less than 1.5%, water may be used to assist the progress of the ball).
 - [3] Where, in the opinion of the City Engineer, sufficient care has not been taken in joining the pipe, an exfiltration test shall be performed as directed to assure that leakage will not exceed 500 gallons per inch diameter per mile per day.
- (2) Manholes. Manholes shall be constructed in accordance with the City of Binghamton specifications. Manholes shall be installed at each end of the line, at all changes in grade, size, or alignment, at all intersections, and at all intervals not exceeding 300 feet.
- (3) House connections. Six-inch sewer pipe for house connections shall be laid from wye branches, placed in the sewer line to a point two feet beyond the edge of pavement. A thirty-degree sweep bend shall be used in the wye branch, and the connection shall be laid on a straight grade such that the end of the connection is approximately seven feet deep. In no case shall the pipe be laid on a grade less than 1/4 of an inch per foot. The connection shall incorporate the same type of joints as required for the main sewer, and the end of the connection shall be tightly stoppered. A two-inch-by-four-inch piece of lumber shall be placed at the end of each house connection, extending vertically to the grade of the street, to serve as a marker. The location of all connection markers shall be accurately recorded on "as-built" drawings of the sewer lines, and copies in duplicate shall be submitted to the City Engineer and Corporation Counsel before the system will be accepted by the City.
- (4) Appurtenances. Sewage lift stations, disposal works, and appurtenances shall be designed and constructed to afford a maximum of dependability and efficiency in operation and maintenance, and shall be approved by the City Engineer.
- (5) Location of sanitary sewer lines.
 - (a) No more than two utility lines shall be installed in the same trench.
 - (b) Sanitary sewer lines shall be placed along the center line of the street with the house connections extending to a point two feet behind the curbline.
 - (c) Care shall be taken to ensure that the lateral connections thereto do not intercept other lines or water lines.
 - (d) Sewer lines shall be deep enough to service basements and shall have a minimum cover of two feet.

§ 360-18. Water supply systems.

- A. General standards.
 - (1) Water supply systems (including water lines and hydrants) shall be designed by a licensed professional engineer using prudent methods and the most current information available.
 - (2) All water mains shall be designed in accordance with the City of Binghamton Water and Sewer Ordinance and appropriate Broome County Health Department regulations.
- B. Design standards.
 - (1) Water mains shall be designed in accordance with proven engineering practices to provide anticipated usage demands, consistent water pressure for household use and fire service, and to handle expected flows for the proposed subdivision and the area immediately surrounding the subdivision.
 - (2) The Bureau of Water and Sewer and City Engineer will review the size and design of the facility based on the capacities of existing pipes that will be used to connect proposed systems into the current municipal system.
 - (3) All water mains and appurtenances shall be installed, disinfected, and tested in accordance with the City of Binghamton Water and Sewer Ordinance.
- C. Construction standards.
 - (1) Pipe materials.
 - (a) Pipes shall be ductile iron pipe, class 52, cement lined with push joints.
 - (b) All necessary valves, hydrants, tapping valves, sleeves, cross tee bends, corporation stops, shutoffs, and curb boxes shall be installed in accordance with the City of Binghamton Standard Specifications.
 - (2) Water main installation.
 - (a) Water pipes and mains shall be laid true to line and graded as shown in construction drawings.
 - (b) Depth of trenches and backfill for waterlines shall be determined from City of Binghamton standard details for water mains or as directed by the City Engineer.
 - (3) Location of water pipes.
 - (a) No more than two utility lines shall be placed in the same trench.
 - (b) Water mains shall be placed on the higher side of streets at a distance of 10 feet from the center line, with service connections extending to the right-of-way lines. All service connections are to be made by the City of Binghamton Water Department.
 - (c) Fire hydrants shall be placed 2 1/2 feet beyond the face of curbs, or six feet beyond the edge of pavement where the curbs are not installed.
 - (d) All water mains shall have a minimum depth of five feet.
 - (e) Hydrants shall not be placed more than 600 feet apart.
- D. Review and approval. Water and sewer system design is subject to review and approval by the Bureau of Water and Sewer and City Engineer prior to approval of the final plat.

§ 360-19. Electric and cable services.

- A. Electric and cable service systems.
 - (1) Electric and cable systems shall be designed and installed to conform to the provisions of the City of Binghamton Electrical Ordinance, local laws, or building code of the City pertaining thereto, and shall be in conformance with approved standards for the safety of life and property.
 - (2) Electric, telephone, and television lines shall be laid between the back of the curbline and the street right-of-way line. All lines laid within the street right-of-way shall have a minimum cover below finished grade of two feet, except under paved areas of the street right-of-way where the minimum shall be three feet.

(3) The subdivider shall install underground service connections to the property line of each lot before the street is paved. Such paving and improvements shall conform to the minimum road specifications and shall be approved by the City Engineer.

B. Review and approval. Electrical and cable system designs are subject to the review and approval of the City Engineer prior to the approval of the final plat. The Planning Division shall seek the opinion of the City Engineer as part of its subdivision processing responsibilities.

§ 360-20. Street lighting.

A. General requirements.

(1) Proposed lighting systems shall be presented in conjunction with the final plat application.

(2) Streetlighting systems shall be designed and installed by licensed electricians in accordance to the provisions of the City of Binghamton Electrical Ordinance, EN applicable state and local law, and building codes of the City pertaining thereto, and shall be in conformance with the standards for the safety of life and property.

B. Design standards.

(1) Streetlighting systems shall be designed to provide the proper amount and quality of night lighting within the proposed subdivision. Placement of poles will be determined by a licensed engineer. Bulbs used will provide 8,500 lumens per lamp when used in residential areas and 14,400 lumens per lamp along major streets.

(2) All electrical and cable lines shall be installed underground.

C. Construction standards. All concrete light bases shall be designed and installed in accordance with proven engineering practices as used by the utility corporation responsible for scheduled electrical streetlight service for the City of Binghamton.

D. Review and approval. The streetlighting system design is subject to review and approval from the City Engineer prior to final plat approval. The Planning Division shall seek the opinion of this department head as part of its subdivision processing responsibilities.

§ 360-21. Utility easements.

Public utility design standards.

A. Where topography or other conditions are such as to make it impractical for the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements for such utilities shall be provided centered on rear or side lot lines with satisfactory access to the street.

B. Permanent easements shall be the minimum width necessary to provide service and shall be so indicated on the plat.

§ 360-22. Landscape and buffer areas.

Preservation of natural features, trees, and landscape.

A. In preparing a lot for construction of a structure, the owner or developer shall remove only those trees necessary to make the construction feasible. All other vegetation shall be left in place and shown on site plans. No lot shall be cleared completely of existing trees except on the approval of the Planning Commission.

B. In residential districts where land has been subdivided and sold for use as townhouse (attached) development, an overall tree planting scheme shall be incorporated as part of the final plat and will be subject to final plat review and approval.

- C. Required trees shall be located at least five feet outside rights-of-way and utility easements.
- D. New trees shall measure at least two inches in diameter, as measured at a point six inches above finished grade.
- E. Trees shall be hardy and suitable to the local climate and shall be of a species approved by the Planning Commission, such as maple, oak, sycamore, plane, fir, spruce, hemlock, ash, hackberry, linden, Redspire pear, locust, alder, and hawthorne. Other varieties must be approved by the Planning Commission.

§ 360-23. Parks, playgrounds, and recreation areas.

- A. Purpose.
 - (1) The purpose of this section is to provide an option for development standards for securing adequate land for parks, playgrounds, and recreational areas in new subdivisions.
 - (2) Except as hereafter provided, lands comprising at least 5% of the total area to be subdivided shall be reserved for parks, playgrounds, or recreational purposes in a location with suitable public access within the subdivision unless this requirement is waived by the Planning Commission.
 - (3) Land may be reserved for parks, playgrounds, or recreational purposes in accordance with the Master Plan or other local plans. While the plan may show only the general location of such proposed sites, the required reservation of such lands for recreational purposes must be specifically located and designated on the final subdivision plat.
- B. Waiver. In cases where the Planning Commission determines that a park of adequate size cannot be properly located in the subdivision plat or is otherwise not practical due to the size, topography, or location of the proposed subdivision, the Planning Commission may either waive the requirement that the subdivision plat show land for such purposes and may require a cash payment in lieu of the aforementioned land donation, the amount of which to be determined by City Council, and which cash payment shall be dedicated for park, playground, or other recreational purposes located in the same Council District as authorized by New York State General City Law § 33(4).

§ 360-24. Monuments.

- A. Permanent reference markers shall be set in all corners and angles of the subdivision boundaries and at all street intersections, angle points in street lines, points of curves, and at approximately five-hundred-foot intervals, and their locations shall be shown with a circled "x" on the subdivision plat.
- B. Permanent monuments shall be one-inch-diameter metal rods at least three feet long located in the ground at final grade level.
- C. Lot corner markers shall be permanently located by a 3/4 of an inch metal pipe at least two feet in length, driven into the ground at final grade level.